EXHIBIT 4

VISCONTI AND BOREN LTD

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Of Counsel
▾ Gregory P. Cimino, II

• also admitted in MA
· also admitted in MA and NY
• also admitted in CT and DC

February 15, 2008

Stuart E. Benson, Esq.
Manelli Denison & Selter PLLC
2000 M Street, N.W., Suite 700
Washington, DC 20036

RE: CONSORZIO DEL PROSCIUTTO DI SAN DANIELE
v.
DANIELE, INC.
C.A. No.: 07-039ML

Dear Stuart:

I have not provided a further response to requests for production numbers 8, 9, 11, 23, 24, 26, 27, 28, 38 or 41, as those objections are pending the court's determination on the motion to stay. If the court does not agree with our position on the motion to stay, a further response to those requests will be filed. For now, the objections previously filed stand, and no further response to those requests is being provided.

As we discussed, I have sent you the original packaging bags and labels. Because those materials could not be copied, only one set was provided, and that set was sent to you and not to Matthew F. Medeiros, Esq.

Very truly yours,

Jessica L. Papazian-Ross

JLPR:jfr

Enclosures

cc: Matthew F. Medeiros, Esq.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CONSORZIO DEL PROSCIUTTO DI SAN DANIELE	:	
	:	
v.	:	**C.A. No. 07-039ML**
	:	
DANIELE, INC.	:	

DEFENDANT, DANIELE, INC.'S, RESPONSES
TO PLAINTIFF'S REQUEST FOR PRODUCTION

Defendant objects to the preliminary instructions that preceded the request for production and states that it will be respond to the request for production in accordance with Rule 26 and 34 of the Federal Rules of Civil Procedure.

REQUEST NO. 1

Specimens of all documents and things on which Defendant has used or intends to use the designation or trademark DANIELE, GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, or RISERVA, including but not limited to labels, promotional and advertising materials, advertisements, brochures, flyers, handbooks, manuals, catalogs, books, articles, pamphlets, brochures, workbooks, wrappers, cartons, containers, business establishment signs, posters, telephone directory advertisements, business cards, press releases, Internet web sites, e-mail communications and other electronically-available materials; photographs; federal, state or local government filings, licenses, applications or registrations (other than that at the U.S. Patent and Trademark Office); mailings; trade show materials; personal contacts; telephone calls; Web sites; signs; letterhead; envelopes and business cards.

RESPONSE NO. 1

See the exemplar labels and bags attached as #1; see the 2007 Brochure and see the Sysco Brochure Bate Stamped 000001-000017; 000439-000449.

REQUEST NO. 2

Copies of documents showing all forms in which the following designations have been used by Defendant in commerce: DANIELE, GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DEL-CUT-O, and RISERVA.

RESPONSE NO. 2

See the documents produced in response to request for production number 1.

REQUEST NO. 3

Copies of all orders for Defendant's prosciutto products since January 1, 2005.

RESPONSE NO. 3

Defendant objects to request for production number 3 on the grounds that it seeks information that is irrelevant, proprietary and confidential and seeks information that would disclose confidential business practices, methods and procedures that constitute a trade secret. Without waiving said objection, see the sales report for the years 2005-2007 attached as #3, Bate Stamped 000018.

REQUEST NO. 4

Copies of all invoices and shipping documents issued or prepared by Defendant for the sale of Defendant's prosciutto products since January 1, 2005.

RESPONSE NO. 4

Defendant objects to request for production number 4 on the grounds that it seeks information that is irrelevant, proprietary and confidential and seeks information that would disclose confidential business practices, methods and procedures that constitute a trade secret. Without waiving said objection, defendant is providing sales reports for the years 2005-2007 as billing invoices contain whatever product is ordered not just prosciutto. There are approximately 400 to 500 billing invoices generated each month. Billing invoices are not always indexed by customer name but may be categorized by distributor and/or freight carrier or such other third party. Attempting to locate billing invoices would be extremely burdensome. See the documents produced in response to request for production number 3, which are incorporated herein by reference.

REQUEST NO. 5

Copies of all documents in which any of the following is referred to or described as a trademark or is discussed as a possible trademark: GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA.

RESPONSE NO. 5

Defendant objects to request for production number 5 on the grounds that it is overly broad, burdensome, irrelevant and seeks information that may be encompassed by the attorney-client privilege as to legal advice between defendant and its counsel relative to the selection of a trademark. Without waiving said objection, see the labels, packaging bags, and brochures referred to in response to request for production numbers 1. If ordered to do so by the court, documents produced in response to request for production number 23 would also be responsive. Documents from the website can be downloaded by going to the e-mail address of www.danielefoods.com. See, also, the documents labeled as #5, Bate Stamped 000019-000060.

REQUEST NO. 6

Copies of all documents which Defendant claims support its position with respect to the meaning of paragraph 5 of the Settlement Agreement of March 2005.

RESPONSE NO. 6

Defendant objects to request for production number 6 on the grounds that it seeks information encompassed by the attorney-client privilege relative to legal advice given to defendant by its counsel setting forth counsel's opinion as to the meaning and interpretation of paragraph 5 of the Settlement Agreement dated March 25, 2005. Without waiving said objection, see the e-mails exchanged between plaintiff and defendant's counsel and the drafts of the Settlement Agreement that could be located attached as #6, Bate Stamped 000061-000187.

REQUEST NO. 7

Copies of all communications between Defendant and any other person concerning San Daniele or San Daniele prosciutto since August 1, 2003 not previously provided to Plaintiff.

RESPONSE NO. 7

Defendant objects to request for production number 7 on the grounds that it seeks information dating back to the first settlement agreement dated August 1, 2003 that was superseded by the March 25, 2005 Settlement Agreement and thus seeks information that is irrelevant. Additionally, the request is overly broad and burdensome as it would encompass any communication between defendant and its counsel relative to San Daniele prosciutto which would be protected by the attorney-client privilege. Without waiving said objection, none.

REQUEST NO. 10

Copies of all documents in which Defendant or any employee or representative thereof has ever stated or suggested that Defendant is affiliated with or connected with San Daniele, the Consorzio di San Daniele or any member of the Consorzio.

RESPONSE NO. 10

None since the 1998 Brochure was revised in 2004.

REQUEST NO. 12

Copies of any documents reflecting any fictitious name registered by Defendant under the laws of any state and also identify the state and date of such registration, since August 1, 2003 and not previously provided to Plaintiff.

RESPONSE NO. 12

See the attached documents labeled as #12, Bate Stamped 000188-000193.

REQUEST NO. 13

Copies of all documents on which Defendant intends to rely in establishing its first use of GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA as trademarks on prosciutto in the United States.

RESPONSE NO. 13

See the attached documents labeled as #12, Bate Stamped 000194-000200.

REQUEST NO. 14

Copies of all correspondence concerning Defendant's brochure of 1998 and Defendant's brochure of 2004.

RESPONSE NO. 14

Defendant objects to request for production number 14 on the grounds that it seeks information that is irrelevant, overly broad and burdensome as it seeks information about the 1998 brochure that was revised and superseded by the 2004 brochure. This overly broad request would also encompass letters and e-mails by and between defendant and its counsel relative to the two brochures which would be subject to the attorney-client privilege. Without waiving said objection, no documents that are not privileged.

REQUEST NO. 15

Copies of all promotional or advertising materials since August 1, 2003 not previously provided to Plaintiff, and not provided in response to Request No. 1 above, used or prepared by Defendant in connection with the sale of its prosciutto products, including but not limited to labels, promotional and advertising materials, advertisements, brochures, flyers, handbooks, manuals, catalogs, books, articles, pamphlets, brochures, workbooks, wrappers, cartons, containers, business establishment signs, posters, telephone directory advertisements, business cards, press releases, Internet web sites, e-mail communications and other electronically-

available materials; photographs; federal, state or local government filings, licenses, applications or registrations (other than that at the U.S. Patent and Trademark Office); mailings, trade show materials; personal contacts; telephone calls; Web sites; signs; letterhead; envelopes and business cards.

RESPONSE NO. 15

Defendant objects to request for production number 15 on the grounds that it seeks promotional and advertising material since August 1, 2003 which is the date of the first Settlement Agreement that was superseded by the agreement dated March 25, 2005 and thus seeks information that is irrelevant, burdensome and overly broad. Without waiving said objection, from March 25, 2005 to the present, see the documents produced in response to request for production number 1 which are incorporated herein by reference. If ordered to do so by the court, documents produced in response to request for production number 23 would also be responsive.

REQUEST NO. 16

Copies of all documents relating to the Settlement Agreement between Plaintiff and Defendant of March 2005, including but not limited to documents relating to the negotiation of the Settlement Agreement and documents referring to or discussing compliance with the Settlement Agreement.

RESPONSE NO. 16

Defendant objects to request for production number 16 on the grounds that it seeks information that is protected by the attorney-client privilege as to correspondence between counsel and defendant relative to the meaning and/or interpretation of the Settlement Agreement dated March 25, 2005 and discussions relative to any suggestive changes to the Settlement Agreement. Without waiving said objection, if directed to do so by the court, copies of prior drafts of the Settlement Agreement will be provided to the extent the documents exist. Defendant further responds by referring plaintiff to the documents produced in response to request for production number 16, Bate Stamped 000206-000315; and numbered 94-97. See, also, the documents produced in response to request for production number 5 and 6 which are incorporated herein by reference.

REQUEST NO. 17

Copies of all correspondence with purchasers or resellers of Defendant's prosciutto products since August 1, 2003 not previously provided to Plaintiff.

RESPONSE NO. 17

Defendant objects to request for production number 17 on the grounds that it seeks information that is overly broad, burdensome, confidential, privileged, proprietary, constitutes a trade secret and is irrelevant as plaintiff is attempting to go back to the August 1, 2003 Settlement Agreement which was superseded by the March 25, 2005 Settlement Agreement. Without waiving said objection, see the documents labeled as number 17, Bate Stamped 000316-000322.

REQUEST NO. 18

Copies of all communications between Defendant and any other person concerning any trademark or certification mark in connection with San Daniele prosciutto since August 1, 2003 not previously provided to Plaintiff.

RESPONSE NO. 18

To the extent this request seeks any communications between Daniele, Inc. and its attorneys, such information is protected by the attorney-client privilege. Further, this request is overly broad as it seeks information dating back to the first Settlement Agreement.

REQUEST NO. 19

Copies of any correspondence with, or documents concerning, Pasta Cheese Gourmet Food Shop, Portuguesefood, com, avwinery.com, or pagelinx.com.

RESPONSE NO. 19

Defendant objects to request for production number 19 on the grounds that it seeks information that it seeks information that is overly broad, burdensome and irrelevant. Rule 34 requires requests for production to set forth the item or category with reasonable particularity. Without waiving said objection, see the documents produced as #19, Bate Stamped 000323-000333.

REQUEST NO. 20

Copies of all communications between Defendant and any other person concerning the Consorzio del Prosciutto di San Daniele since August 1, 2003 not previously provided to

Plaintiff.

RESPONSE NO. 20

To the extent this request seeks any communications between Daniele, Inc. and its attorneys, such information is protected by the attorney-client privilege. Further, this request is overly broad as it seeks information dating back to the first Settlement Agreement.

REQUEST NO. 21

Copies of all drafts of settlement agreements or proposals for settlement agreements between Defendant and the Consorzio del Prosciutto di San Daniele, and any changes made or proposed by any party thereto, in connection with the Settlement Agreement of August 2003 or the Settlement Agreement of March 2005 between Plaintiff and Defendant.

RESPONSE NO. 21

Defendant objects to request for production number 21 on the grounds that it seeks information that is overly broad, burdensome and irrelevant as it seeks drafts of a Settlement Agreement relative to the August 1, 2003 agreement that was superseded by the agreement dated March 25, 2005. Defendant incorporates by reference its response to request for production number 6 as if fully stated herein.

REQUEST NO. 22

Copies of all opinions, legal opinions and other advice concerning any of the following alleged trademarks: GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA.

RESPONSE NO. 22

Defendant objects to request for production number 22 on the grounds that it seeks information that is protected by the attorney-client privilege and is not discoverable.

REQUEST NO. 25

Copies of all documents on which Defendant relies in its responses to Plaintiff's First Set of Interrogatories Propounded to Plaintiff.

RESPONSE NO. 25

Defendant objects to request for production number 25 on the grounds that it seeks information that may be encompassed by the attorney-client privilege and/or work product doctrine. Without waiving said objection, if a response to an interrogatory refers to a document, the document will be attached.

REQUEST NO. 29

Copies of all orders by Defendant for labels or packages bearing any of the marks DANIELE, GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA since January 1, 2005.

RESPONSE NO. 29

Defendant objects to request for production number 29 on the grounds that it seeks information that is overly broad, burdensome and irrelevant. Documents that would be responsive to this overly broad request are contained in multiple boxes that would take numerous "person" hours to sort through and obtain. Plaintiff has included the Daniele trademark which is used on non-prosciutto items and has nothing to do with this lawsuit. Defendant sells all of its other meat products under the name "Daniele" and those meat products are not the subject of this lawsuit and are not the subject of any claim or defense in this lawsuit. To the extent this request is seeking copies of all labels and packages bearing any of the five trademarks being used by defendant for the sale of its prosciutto would be unduly burdensome as Daniele, Inc. does not track invoices or orders but tracks sales revenue by vendor name and product line. Without waiving said objection, if ordered to do so by the court documents produced in response to request for production number 23 would be responsive.

REQUEST NO. 30

Copies of all correspondence concerning Defendant's orders of labels, promotional materials or advertising materials relating in whole or in part to prosciutto since January 1, 2005.

RESPONSE NO. 30

Defendant objects to request for production number 30 on the grounds that it is overly broad, burdensome and seeks information that is irrelevant. Rule 34 requires requests for production to set forth the item or category with reasonable particularity, and this request is open-ended. Without waiving said objection, none that could be located.

REQUEST NO. 31

Copies of all documents containing specifications by Defendant for labels or packages bearing any of the marks DANIELE, GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA since January 1, 2005.

RESPONSE NO. 31

None other than the proofs that would be supplied in response to request for production number 23, if ordered by the court.

REQUEST NO. 32

Copies of all documents on which Defendant intends to rely to support its contention that each of the following is a valid trademark in the United States: GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA.

RESPONSE NO. 32

See documents available on the Trademark website at http://tarr.uspto.gov/ under Deli-Cut-O / 77163430, Gran Premio / 77163396, President's / 77163346; President's Reserve 400 / 77163366, and Riserva / 77163450, which are incorporated herein by reference.

REQUEST NO. 33

Copies of all documents showing the use by Defendant of any of the following as trademarks in connection with the sale of prosciutto in the United States: GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA.

RESPONSE NO. 33

See the documents produced in response to request for production numbers 1 and 3 which is incorporated herein by reference.

REQUEST NO. 34

Copies of all documents in which you have requested resellers of your prosciutto to cease use of the DANIELE trademark in connection with the sale of prosciutto.

RESPONSE NO. 34

See the documents produced in response to request for production numbers 19 and 16.

REQUEST NO. 35

Copies of all documents suggesting that anyone thought or asked whether, Defendant's prosciutto is produced in San Daniele or whether Defendant is connected in any way with San Daniele or the Consorzio del Prosciutto di San Daniele.

RESPONSE NO. 35

None.

REQUEST NO. 36

A copy of any written report, study, or summary made by an expert whom Defendant expects to call as a witness at the trial of this matter.

RESPONSE NO. 36

An expert witness has not been retained at this time. None.

REQUEST NO. 37

Any written or recorded statement you obtained from any individual concerning the allegations contained in this lawsuit.

RESPONSE NO. 37

None.

REQUEST NO. 39

Copies of all documents generated or received by Defendant in connection with the design and adoption of each of the following designations: GRAN PREMIO, PRESIDENT'S RESERVE 400, PRESIDENT'S, DELI-CUT-O, and RISERVA.

RESPONSE NO. 39

Defendant objects to request for production number 39 on the grounds that it seeks information that is overly broad, burdensome, and irrelevant. Rule 34 requires requests for production to set forth the item or category with reasonable particularity, and this request is open-ended. Without waiving said objection, see the information and/or documents referenced in response to request for production numbers 1, 5, 13, 15, and 32 which are incorporated herein by reference. If ordered to do so by the court, documents produced in response to request for production number 23 would be responsive.

REQUEST NO. 40

Copies of all contracts for the sale, distribution or advertisement of prosciutto by Defendant.

RESPONSE NO. 40

Defendant objects to request for production number 40 on the grounds that it seeks information that is confidential, proprietary and may constitute a trade secret and such information is protected from disclosure to a potential competitor.

REQUEST NO. 42

Copies of all versions of Defendant's Web site; copies of documents showing the dates of use of each version of Defendant's Web site with the dates of use of each version; copies of all documents concerning the Web site; and copies of all documents reflecting or relating to changes to the Web site.

RESPONSE NO. 42

Defendant objects to request for production number 42 on the grounds that the request is overly broad, burdensome, and seeks some information that is irrelevant. Without waiving said objection, see the letters and e-mails pertaining to the website produced in response to request for production number 16 which is incorporated herein by reference. See, also, the documents labeled as #42, Bate Stamped 000201-000205.

Daniele, Inc.
By its Attorneys,

Girard R. Visconti, Esq. (#0566)
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Visconti & Boren Ltd.
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CERTIFICATION

The undersigned hereby certifies that a true copy of the within document was forwarded on this 15th day of February, 2008, via first class mail, postage pre-paid, to the following counsel of record:

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